

REMARKS

This application was filed originally claiming benefit pursuant to 35 USC § 120 of the earlier filing date of:

US Patent No. 6,824,069
Issued: November 30, 2004

Title: PROGRAMMABLE THERMOSTAT SYSTEM EMPLOYING A
TOUCH SCREEN UNIT FOR INTUITIVE INTERACTIVE INTERFACE
WITH A USER

Inventor(s): Howard Rosen
Serial No. 10/060768
Filing Date: 1/30/2002

Applicant hereby disclaims for the present application the benefit of the earlier filing date of Serial No. 10/060768 pursuant to 35 USC § 120 and accepts as the filing date of this application that date on which the application was actually filed with the USPTO, i.e., the filing date indicated above with this application's information.

All the claims of US Patent No. 6,824,069 are being disclaimed by the Applicant for the entire term of that patent. Applicant seeks to sever all connection between US Patent No. 6,824,069 and the present application.

Co-pending applications or issued patents that were originally filed as continuations in part of Serial No. 10/060768 are shown in the following list:

| Serial No. | Filing Date | Status |
|------------|-------------|---------|
| 10/654,235 | 9/3/2003 | PENDING |
| 10/654,930 | 9/3/2003 | PENDING |
| 10/654,236 | 9/3/2003 | ISSUED |
| 10/878,825 | 6/28/2004 | PENDING |
| 10/875,579 | 6/24/2004 | PENDING |
| 29/179,077 | 4/4/2003 | ISSUED |

All benefit of the earlier filing date of Serial No. 10/060768 as to the above are being disclaimed as well. Submitted with this preliminary amendment is a supplemental disclosure of additional references. Applicant has only recently become aware of these references in relation to pursuing a business transaction.

Respectfully submitted,

February 4, 2005

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